

Message Text

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15

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TO SECSTATE WASHDC 9857

INFO AMEMBASSY MOSCOW

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E.O. 11652: N/A

TAGS: US, UR, PDIP, PORG

SUBJ: COURT APPEARANCE OF SMUN RECEPTIONIST

REF: USUN 1117; STATE 78323

AT THE SPECIFIC REQUEST OF THE US ATTORNEY'S OFFICE APRIL 10, USUN DECIDED TO TRANSMIT NOTE ON CLINE INCIDENT TO SOVIET MISSION. THIS NOTE COMPLEMENTS APPROACH MADE BY MISOFF TO SOVIETS REPORTED USUN 1117. TEXT FOLLOWS:

QTE: THE UNITED STATES MISSION TO THE UNITED NATIONS PRESENTS ITS COMPLIMENTS TO THE PERMANENT MISSION OF THE UNION OF SOVIET SOCIALIST REPUBLIC TO THE UNITED NATIONS AND HAS THE HONOR TO REFER TO THE UNITED STATES MISSION'S NOTE OF DECEMBER 31, 1974 CONCERNING THE ASSAULT OF MR. MIKHAIL BURLAKOV APPARENTLY COMMITTED BY AN INDIVIDUAL NAMED EDWARD CLINE.

AS THE SOVIET MISSION WILL RECALL, IT WAS INFORMED THAT THE UNITED STATES ATTORNEY IS ALSO CONSIDERING THE POSSIBILITY OF FEDERAL PROSECUTION OF MR. CLINE. THIS PROSECUTION WOULD BE DEPENDENT UPON THE WILLINGNESS OF MR. BURLAKOV TO APPEAR AS A WITNESS IN COURT AND TO COOPERATE WITH UNITED STATES AUTHORITIES IN THIS REGARD. THE UNITED STATES MISSION HAS AGAIN BEEN CONTACTED BY THE OFFICE OF THE UNITED STATES

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ATTORNEY IN THE HOPE THAT THIS CASE COULD BE PRESSED FORWARD.

THE UNITED STATES ATTORNEY HAS REQUESTED THE UNITED STATES MISSION TO APPEAL EARNESTLY TO THE SOVIET MISSION TO AUTHORIZE THE APPEARANCE OF MR. BURLAKOV IN A FEDERAL COURT PROCEEDING WHICH IT IS CONTEMPLATED WOULD BE HELD IN THE CASE OF MR. CLINE.

THE DESIRE OF THE UNITED STATES ATTORNEY TO PROSECUTE CLINE SHOULD BE INTERPRETED AS A SIGN OF THE UNITED STATES GOVERNMENT'S CONTINUING EFFORT TO ENSURE THE SAFETY OF SOVIET PERSONNEL BY BRINGING TO JUSTICE THOSE WHO HAVE HARASSED AND ASSAULTED SOVIET OFFICIALS. FURTHERMORE, UNDER UNITED STATES TRIAL PROCEDURES, THE BURDEN OF PROOF RESTS WITH THE PROSECUTION AND THIS PARTICULAR CASE WOULD NOT STAND A CHANCE IN COURT UNLESS MR. BURLAKOV AGREES TO TESTIFY. THE UNITED STATES ATTORNEY HAS ALSO ASSURED US THAT HE WOULD RESIST VIGOROUSLY ANY EFFORT BY THE DEFENSE TO CROSS-EXAMINE MR. BURLAKOV ON ISSUES OUTSIDE OF THE SCOPE OF THE FACTS OF THE INCIDENT OR ANY ATTEMPT TO EMBARRASS BURLAKOV OR THE SOVIET UNION.

THE UNITED STATES MISSION HOPES THE SOVIET MISSION WOULD AGREE TO GIVE ITS CONSENT TO ALLOW MR. BURLAKOV TO COOPERATE WITH THE AUTHORITIES IN THE PROSECUTION OF THE CASE AGAINST EDWARD CLINE. UNQTE.

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